

manufacture and/or use." The Examiner's statement may be accurate in the abstract. However, claims 17-19 are not independent claims. Claims 17-19 are dependent claims and while the peptide compounds may have other uses, the invention is drawn to a single use, i.e. a method of generating artificial SH3 domains. The Examiner's comments appear to be more appropriate if the present invention was directed to the peptides products, rather than a method. In addition, 37 C.F.R. §1.141(a) states,

Two or more independent and distinct inventions may not be claimed in one national application, except that more than one species of an invention, not to exceed a reasonable number, may be specifically claimed in different claims in one national application, provided the application also includes a allowable claim generic to all claimed species and all the claims to species in excess of one are written in dependent form (§1.75) or otherwise include all limitations of the generic claim.

The present species claims meet the requirements of 37 C.F.R. §1.141 that there is not an unreasonable number of species, which are written in dependent form from an allowable generic claim, as discussed in the response of September 17, 2001. As such, election of species in the present application is improper.

The Examiner further asserts that the species of claims 17-19 would result in "separately burdensome manual/computer" searches. However, the Examiner has already shown with the search of the generic invention of claim 1 in the Office Action of April 17, 2001, that a search is not unduly burdensome. In addition, claim 17 recites only three peptide combinations. Applicants find it difficult to accept that a computerized search of three peptides, each having six amino acids with 2-3 residues

that could be any amino acid, would be unduly burdensome, particularly given the computerized nature of peptide searches.

Applicants request that the Examiner reconsider the election of species and search all of the species of the invention. However, in full compliance with responding to the election requirement, Applicants hereby elect for further examination the species VSWSPD. In addition, pursuant to the provisions of the MPEP and 37 C.F.R. §1.141, expansion of the examination to additional species, upon allowance of the elected species is respectfully requested.

Should the Examiner have any questions regarding the present application she is requested to please contact MaryAnne Armstrong, PhD (Reg. No. 40,069) in the Washington DC area at (703) 205-8000.

Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), the Applicants hereby petition for an extension of one (1) month to February 18, 2002 in which to file a reply to the Restriction Requirement. The required fee of \$55.00 is enclosed herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional

Application No. 09/579,894

fees required under 37 C.F.R. \$1.16 or under 37 C.F.R. \$1.17;
particularly, extension of time fees.

Respectfully submitted,

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